

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SAVINGS BANKS EMPLOYEES
RETIREMENT ASSOCIATION,

Plaintiff,

v.

EAST BOSTON SAVINGS BANK;
BELMONT SAVINGS BANK; CAPE
COD FIVE CENTS SAVINGS BANK;
BRIDGEWATER SAVINGS BANK;
SOUTH SHORE SAVINGS BANK; and
WORONOCO SAVINGS BANK,

Defendants.

CIVIL ACTION NO. 04-11545-EFH

**JOINT MOTION TO AMEND PARTIES'
JOINT STATEMENT PURSUANT TO FED. R. CIV. P. 26(f)**

Plaintiff Savings Bank Employees Retirement Association ("SBERA") and Defendants East Boston Savings Bank, Belmont Savings Bank, Cape Cod Five Cents Savings Bank, Bridgewater Savings Bank, South Shore Savings Bank, and Woronoco Savings Bank (collectively "Defendant Banks") hereby move this Court for leave to file a Revised Joint Statement Pursuant to Fed. R. Civ. P. 26(f).

As grounds for this motion, the parties state that although both parties have propounded and responded to written discovery and begun taking depositions, a limited amount of additional time is necessary to properly conclude discovery in this matter. Discovery disputes between the parties, of which the Court was made aware and which have now been resolved, delayed the conclusion of discovery in the time originally anticipated by the parties. The parties believe that

an additional 90 from the date of this motion should be sufficient to conclude all factual discovery.

WHEREFORE, the parties respectfully request that this Court grant the parties' leave to file a Revised Joint Statement Pursuant to Fed. R. Civ. P. 26(f) in the form attached hereto as Exhibit A.

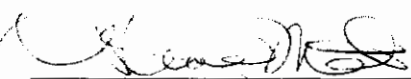
Respectfully submitted,

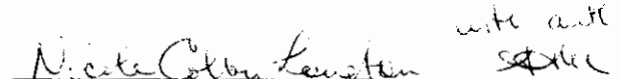
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RETIREMENT ASSOCIATION,

EAST BOSTON SAVINGS BANK,
BERKSHIRE BANK, CAPE COD FIVE
CENTS SAVINGS BANK, SOUTH
SHORE SAVINGS BANK, and
WORONOCO SAVINGS BANK,

By its attorneys,

By their attorneys,


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 with auth.
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Boston, MA 02109
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Dated: June 16, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document
was served upon the attorney of record for each other
party by mail-hand on June 16, 2005



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SOUTH SHORE SAVINGS BANK; and
WORONOCO SAVINGS BANK,

Defendants.

CIVIL ACTION NO. 04-11545-EFH

PROPOSED REVISED JOINT STATEMENT PURSUANT TO FED. R. CIV. P. 26(f)

Plaintiff Savings Banks Employees Retirement Association ("Plaintiff") and Defendants East Boston Savings Bank, Berkshire Bank, Cape Cod Five Cents Savings Bank, South Shore Savings Bank and Woronoco Savings Bank ("Defendants") (collectively, "the parties") file this revised joint statement pursuant to Fed. R. Civ. P. 26(f).

DISCOVERY

I. **Joint Discovery Plan.**

The parties anticipate additional discovery relating to the terms and conditions of participation in and withdrawal from participation in retirement plans administered by the Plaintiff.

A. Deadline.

Non-expert discovery will be completed no later than September 16, 2005.

Designation of and reports from experts will be served no later than October 14, 2005.

B. Anticipated Discovery Events.

a. Each of the parties presently anticipates taking no more than ten (10) depositions. The parties respectfully note that they may request leave of the Court to take additional depositions pursuant to Fed. R. Civ. P. 30(a)(2)(A) and Local Rule 26.1(c). In any event, all depositions of non-expert witnesses to be taken by the parties shall be completed by September 16, 2005.

e. Pursuant to Fed. R. Civ. P. 26(a)(2), any proposed expert(s) who may testify at trial shall be designated and a written report from each such designated expert witness shall be produced no later than October 14, 2005.

The parties reserve the right to request additional discovery if the scope of the case broadens, new parties are added and/or for other good cause shown.

In addition, each of the parties reserves the right to depose any expert witness designated by an opposing party pursuant to Fed. R. Civ. P. 26(a)(2).

II. Dispositive Motions.

Dispositive motions, if appropriate, shall be filed no later than December 16, 2005.

Oppositions shall be filed no later than January 6, 2006. The parties note their current belief that the case might well be submitted to the Court on cross-motions for summary judgment.

III. Settlement.

The parties have discussed settlement, but there is no practical way for Plaintiff to accept less than the full withdrawal fees from the Defendants because to do so would reduce the withdrawal fees from all banks participating in the retirement plans administered by the Plaintiff. Future settlement discussions are therefore not warranted and the appointment of a mediator or another alternative dispute resolution process is not practicable at this time. Nonetheless, neither party has claimed a trial by jury, and both parties are committed to expeditious resolution.

IV. Case Management Conferences.

Case management conferences shall be scheduled at the discretion of the Court. The parties shall be entitled to request such conferences if they believe that the case is not progressing in accordance with the anticipated Scheduling Order to be issued by the Court.

Respectfully submitted,

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RETIREMENT ASSOCIATION,

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BERKSHIRE BANK, CAPE COD FIVE
CENTS SAVINGS BANK, SOUTH
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